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In re Application of WILLIAMS :
U.S. Application No.: 10/560,998 :
PCT Application No.: PCT/US04/41380 :
Int. Filing Date: 10 December 2004 : DECISION
Priority Date Claimed: 12 December 2003 :
Attorney Docket No.: PRONOV.001BNP :
For: SYSTEM AND METHODS FOR NUCLEIC :
ACID AND POLYPEPTIDE SELECTION :

This is in response to applicant's "Request for Reconsideration of Holding of Abandonment Under MPEP 711.03 and Petition to Withdraw Holding of Abandonment 37 C.F.R. 1.181(a), or, in the Alternative, Petition for Revival Under 37 C.F.R. 1.137(b)" filed 24 April 2006.

BACKGROUND

On 10 December 2004, applicant filed international application PCT/US04/41380, which claimed priority of an earlier United States application filed 12 December 2003. The thirty-month period for paying the basic national fee in the United States expired on 12 June 2006.

On 16 December 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 11 April 2006, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909).

DISCUSSION

The period for entering the national phase under 35 U.S.C. 371 expires thirty months from the earliest claimed priority date in the international application. In the present case, the earliest claimed priority date in PCT/US04/41380 is 12 December 2003. Because the period of

thirty months from 12 December 2003 does not expire until 12 June 2006, applicant's entry into the national phase on 16 December 2005 was timely, and the Notification of Abandonment was sent in error.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 11 April 2006 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 10 December 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 16 December 2005.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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